



John N. Staniforth
AF/1015
541.1011CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: John N. STANIFORTH, *et al.*
Serial No.: 10/015,538
Filed: December 13, 2001
For: **A PROCESS FOR PREPARING A DIRECTLY
COMPRESSIBLE SOLID DOSAGE FORM
CONTAINING MICROCRYSTALLINE CELLULOSE**

RESPONSE UNDER 37 C.F.R. § 1.16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 1, 2004

Sir:


I. INTRODUCTORY COMMENTS

In the Office Action dated January 15, 2004, the Examiner rejected claims 1-11, 13-15, 18-20 and 32-43 for obviousness-type double patenting as being unpatentable of claims 1-36 of U.S. Patent No. 6,395,303. This was the only rejection made.

In response, a duly executed Terminal Disclaimer is submitted herewith. It is respectfully submitted that a submission of this Terminal Disclaimer overcomes the Double Patenting Rejection, and that this case is now allowable.

An early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Clifford M. Davidson, Esq.
Reg. No. 32,728

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
(212) 736-1940



To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: John N. STANIFORTH, et al.
Serial No.: 10/015,538
Filed: December 13, 2001
For: **A PROCESS FOR PREPARING A DIRECTLY COMPRESSIBLE SOLID DOSAGE FORM CONTAINING MICROCRYSTALLINE CELLULOSE**

Sir:

Transmitted herewith is a **Response** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	Minus**	=		x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	Minus***	=		x \$ 42	\$		x \$ 84	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$140	\$		+ \$280	\$

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☒ Other: **Terminal Disclaimer to Obviate A Double Patenting Rejection Over A Prior Patent**
- ☒ Check(s) in the amount of \$110.00 is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☒ Other: **Terminal Disclaimer to Obviate A Double Patenting Rejection Over A Prior Patent Fee**
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


 Clifford M. Davidson, Reg. No. 32,728
 DAVIDSON, DAVIDSON & KAPPEL, LLC
 485 Seventh Avenue, 14th Floor
 New York, New York 10018
 Tel: (212) 736-1940
 Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, Alexandria, VA 22313-1450" on

April 1, 2004

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 